

VERMONT TOBACCO EVALUATION & REVIEW BOARD

Minutes of the Board Meeting

February 6, 2008 Approved March 12, 2008

(Held in two locations via conference call due to weather)

Members Present in Montpelier: Edna Fairbanks Williams, Gregory MacDonald, MD, Kate Larose for Commissioner Cate, Christy Taylor Mihaly for Attorney General Sorrell
Guests: Bruce Cunningham, Abigail Mihaly

Members Present in Burlington: Brian Flynn, ScD., Amy Brewer, Erica Peters, Sheri Lynn for Acting Commissioner Moffatt, Marcia Lawrence for Commissioner Mike Hogan, Ryan Krushenick

Guests: Yvonne Zietlow, Todd Hill and Sharon Mallory, Department of Health, Maryanne Depresco, KSV

CALL TO ORDER: Dr. Flynn opened the meeting at 3:07 p.m.	
PUBLIC COMMENT: Mr. Cunningham shared his latest analysis of the DLC compliance testing. He also shared a statement issued by the Liquor Control Board to increase compliance test frequency in 2004 in an effort to achieve a compliance rate of 90%. He said this has been going on for 11 years and he needs the board's help. He will testify before Senate Economic Development on Friday and will ask the committee to attach the bill (H.699) to increase frequency of testing if the compliance rate is below 90% the previous month to the bill (H.149) that would give DLC the ability to issue tobacco retailer licenses. He hopes the board will agree with this approach today.	<ul style="list-style-type: none">• Bruce Cunningham
REVIEW OF MINUTES: The board approved the minutes of the January 9, board meeting.	<ul style="list-style-type: none">• Minutes approved
COMMUNITY COALITION GRANT APPLICATIONS: REVIEW PROCESS: Ms. Ryan shared the timeline for community grant application process. She also provided a copy of the updated 2008 board schedule, noting the only change is the April 9 board meeting. It will begin at 2:00 p.m, not 2:30 as previously scheduled. She will distribute packets to each board member at the March 12 meeting (unless the member has a conflict of interest). Each member will likely review three applications. Members have until April 2 to read and score each application. On April 9, members will meet from 2:00-5:00 p.m. to discuss and recommend grantees. Ms. Ryan and Ms. Mallory will provide an orientation at the March meeting.	<ul style="list-style-type: none">• Community Coalition Review Process
REPORT: MEDIA AND PUBLIC EDUCATION: Dr. Flynn said the media team did a lot of research in creating this campaign and presented ideas to the media committee in the early stage. Members had a good chance to comment. The team refined the campaign and the committee was satisfied with the revisions. Ms. Zietlow said the latest data warranted returning to the concept that most teens do not smoke. The media team did not want to use the dated materials from previous years so it created new ads and materials this year. The ads will begin February 18 and run through mid-April. They wanted the message to get out there prior to the Youth Health Survey in March because youth will be asked about the perception of tobacco use. Members in Burlington and Montpelier saw the TV ads in both	<ul style="list-style-type: none">• 8 out of 10 Campaign Overview• VOTE• Vermont Quit Network: New Cessation Brand

<p>locations. Both ads tested very well with Lamoille Valley Middle School and the Burlington Boys' and Girls' Club.</p> <p>Motion: To approve these two messages to begin airing February 18. Seconded. Passed unanimously.</p> <p>Dr. Flynn thanked the media team for its hard work.</p> <p>Ms. Zietlow said the department has been in the process of revamping the cessation brand. When the program began in February 2001, the quit line was intended to be the portal for all cessation services. It did not work that way and the hospital began its own brand. The department continued to search for ideas to create a portal to the network of cessation services. They did focus groups with low SES groups and testing names and logos with hundreds of smokers. The new brand is the Vermont Quit Network. The tag line is "Every Try Counts". The website will be changed (although all old URLs will work) as will all materials. Ms. Mihaly said the Attorneys General continue to work on smoking in the movies and in that circle of people; the Vermont OVX website is widely known and widely praised. Ms. Zietlow said they will have a movie trailer that will play in selected theatres soon.</p>	
<p>REPORT: ENFORCEMENT COMMITTEE: She shared the good news that a court ruled in favor of the state against the VFW in Lyndonville as it was not in compliance with the Clean Indoor Air. The committee is currently reviewing this law and the workplace law. Although Vermont is one of the first states with a workplace law, it is no longer state of the art. The committee will make a recommendation to the board for legislation regarding these laws for the next biennium. Ms. Mihaly reviewed the components of Act 58 (see attached). Vermont was a pioneer in enacting this youth access law in 1997. It includes a package of provisions using evidence-based research including a ban of vending machine and self-service displays of tobacco products. It also includes education curriculum in the schools and prohibition of tobacco products on school grounds. Section 13 deals with retailer compliance testing (90% compliance for 17-year-old buyers). We have not yet seen a 90% compliance rate. The Enforcement Committee has been reviewing this issue for the last few years to try to bring the compliance rate up to Act 58 requirements. A comprehensive program includes compliance checks as well as effective merchant education, appropriate penalties and prosecution of the penalties. The committee met last month. Bob Ramsden, a manager at Cumberland Farms, is a member of the committee and brings a valuable perspective. Mr. Cunningham was also there. As everyone has heard, RTI looked at increasing the number of compliance checks, DLC retailer training and penalties and reported its recommendations in a 2006 report. RTI recommended increasing the penalties. The penalties were lowered by the Legislature in 2002 and there was concern that the body would not raise them again so</p>	<ul style="list-style-type: none"> • Enforcement Committee Update

<p>soon. But now may be the time; Vermont penalties are out of line with other states that have high compliance rates. The committee is working on a specific recommendation to increase penalties. Ms. Lawrence reviewed the penalties structure and penalties and fines issued in federal FY2006 and FY2007. She noted tobacco violations are within a three-year period, not two as previously reported. Ms. Mihaly noted the clerk is fined \$100 on the first offense and the retailer is only warned. A store clerk may pass a compliance test but the retailer can still be suspended if the clerk is not trained. The committee is looking at the entire structure by looking at other states. Mr. Cunningham has looked at other states and some have flexibility in applying penalties. There was some discussion about the high rate of clerks that look at the ID and still sell. DLC has noted before that English and math skills are a problem. Ms. Brewer asked if the committee could look at penalties for alcohol as well as tobacco. Ms. Mihaly agreed. Since the alcohol first offense is also a warning, it might be difficult to changing tobacco without changing the alcohol penalties.</p> <p>Ms. Lynn asked about Act 58's section that applies to education curriculum. Has the Department of Education developed curriculum that includes teaching the legal consequences of tobacco purchase and use? Ms. Larose will look into it but thinks it was probably developed at the time but not necessarily incorporated. Ms. Lynn wonders if this is already addressed and could be included as part of the plan to address social sources within all program components. Dr. Flynn said these curricula come as well-defined packages. This is more specialized information and does not fit into pre-packaged curricula. He thinks it is worth discussing with the Department of Education. It would be easy to append curricula but everyone needs to be aware about it.</p> <p>Dr. Flynn thanked Ms. Mihaly and the committee for their work.</p>	
<p>LEGISLATIVE UPDATE:</p> <p>H.580: To change the board term start date from Feb 1 to July 1. This bill is in Senate Government Operations and should pass soon.</p> <p>H149: To allow DLC to issue tobacco retailer licenses. This bill is currently in Senate Economic Development and should pass soon.</p> <p>S344/H639: To ban mail and internet sales of tobacco products. This bill is also in Senate Economic Development and should pass soon.</p> <p>H699: This is the bill to increase compliance testing as described by Mr. Cunningham. It is currently in House Human Services.</p> <p>FY2008 Budget Adjustment: Senate Appropriations added language to hold the additional \$500,000 for cessation programs until FY2009 (amending house version that agreed with the Governor's recommendation to use this money for Medicaid).</p> <p>FY2009 Budget: House Appropriations is just beginning to review the budget this week. The Governor has proposed level funding the tobacco control program and using over \$7 million of the Tobacco</p>	<ul style="list-style-type: none"> • Legislative Update

<p>Trust Fund and strategic contribution payment for the Medicaid deficit.</p> <p>H258: This is a bill to increase the legal smoking age to 21.</p> <p>H481: This is a bill to roll back the tax increase on roll-your-own tobacco and snuff. Ms. Mihaly will follow up. It was introduced by Representative Hube last year.</p> <p>H772: Ms. Brewer announced that VKAT in Franklin County have been concerned about smoking in cars in the presence of children. Representative LaVoie of Swanton offered to sponsor a bill to ban smoking in vehicles in the presence of children. The VKAT youth are very excited and are learning an important civic lesson. The bill is currently in House Human Services.</p>	
<p>ADJOURN:</p> <div style="display: flex; justify-content: space-between;"> <div> <p>Signed by:</p> <p>Rebecca L. Ryan, MEd Administrator</p> </div> <div> <p>Approved by:</p> <p>Brian Flynn, ScD Vice Chair</p> </div> </div>	